

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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In the Matter of )  
Implementation of Section 621(a)(1) of )  
the Cable Communications Policy Act of 1984 )  
as amended by the Cable Television Consumer )  
Protection and Competition Act of 1992 )

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MB Docket No. 05-311

**COMMENTS OF CITY OF UKIAH**

These Comments are filed by the City of Ukiah in support of the comments filed by the National League of Cities and the National Association of Telecommunications Officers and Advisors ("NATOA"). Like NLC and NATOA, the City of Ukiah believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the facts of video franchising in our community.

**Cable Franchising in Our Community**

**Community Information**

City of Ukiah is a general law city in Mendocino County, California with a population of approximately 15,000. It is the county seat and the commercial center of Mendocino County, a rural northern California county with a total population of approximately 88,000. The urbanized Ukiah Valley has a population of approximately 33,000.

On January 18, 2006, we approved an assignment of the franchise agreement for Cable Television from Mendocino Cable Television, Inc. dba Adelphia Cable Communications to a wholly owned subsidiary of Comcast Corporation. Time Warner Corporation and Comcast are acquiring all of the assets of Adelphia through a bankruptcy proceeding in the Southern District of New York, and then dividing those assets between them.

Ukiah has been franchising Cable Television service in the City, since 1983.

**Competitive Cable Systems**

Ukiah has never been approached by competing cable systems. However, it has had to negotiate franchise agreements with several cable companies, as the rights to the City's cable franchise have been acquired by one company after another.

The granted the original franchise to Group W. Cable, Inc. on November 6, 1985. Less than a year later, on May 21, 1986, the City approved a transfer of the franchise

agreement from Group W. to Century Communications. Century was subsequently acquired by Adelphia. The City promptly approved that transfer. The franchise agreement had a 15 year term ending on December 6, 2000. By that time Adelphia had filed bankruptcy proceedings. To allow time to see how the bankruptcy would affect Adelphia's ability to renew the franchise, the City and Adelphia entered into an agreement extending the franchise agreement for a limited period.

When the original franchise was awarded to Group W., the City coordinated the development of a franchise ordinance and the franchise agreement with Mendocino County as well as the incorporated cities of Willits and Fort Bragg, all of which required a separate franchise agreement with the Cable provider. The same practice was followed, when assignments were sought. In each case, the jurisdictions jointly retained an outside consultant to aid in the negotiations. In each case, the franchise agreements and assignment agreements were coordinated so that Cable TV service was provided on equitable terms throughout the county.

The Adelphia situation became quite complicated as a result of the bankruptcy and the acquisition of multiple franchises and the exchange of those franchises between Time Warner and Comcast. Both companies have formed new limited liability companies to operate the different franchises. Ukiah and the other Mendocino County jurisdictions were able to negotiate assignment and assumption agreements and guarantees to assure adequate protection for local interests.

### **Conclusions**

The local cable franchising process functions well in Ukiah and throughout Mendocino County. As the above information indicates, we are experienced at working with cable providers to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises thus provide a means for local government to appropriately oversee the operations of cable service providers in the public interest, and to ensure compliance with applicable laws. There is no need to create a new Federal bureaucracy in Washington to handle matters of specifically local interest.

Finally, local franchises allow each community, including ours, to have a voice in how local cable systems will be implemented and what features (such as PEG access, institutional networks or local emergency alerts, etc.) will be available to meet local needs. These factors are equally present for new entrants as for existing users.

The City of Ukiah therefore respectfully requests that the Commission do nothing to interfere with local government authority over franchising or to otherwise impair the operation of the local franchising process as set forth under existing Federal law with regard to either existing cable service providers or new entrants.

Respectfully submitted,

City of Ukiah

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